

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 194, As Amended in the Senate

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO SPORT SHOOTING ACTIVITIES; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 27, TITLE 6, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR A LIMITATION OF LIABILITY ON CERTAIN SPORT SHOOTING ACTIVITIES, TO PROVIDE EXCEPTIONS AND TO CLARIFY CONSTRUCTION RELATING TO CERTAIN PROVISIONS; AND AMENDING SECTION 6-904B, IDAHO CODE, TO PROVIDE AN EXCEPTION TO GOVERNMENTAL LIABILITY RELATING TO CERTAIN SPORT SHOOTING RANGES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 27, Title 6, Idaho Code, and to read as follows:

CHAPTER 27

IDAHO SPORT SHOOTING ACTIVITIES IMMUNITY ACT

6-2701. DEFINITIONS. As used in this chapter:

(1) "Engaged in sport shooting activities" means entering and exiting a sport shooting range, preparing to shoot, waiting to shoot, shooting and assisting another person in shooting. The term includes being a spectator, receiving training or otherwise being present on a sport shooting range for any reason;

(2) "Participant" means any person who engages in sport shooting activities, whether or not a fee is paid to participate in such sport shooting activities;

(3) "Sport shooting activities" means the use of firearms, airguns and archery equipment for target practice, competition, training, instruction or other similar activities;

(4) "Sport shooting instructor" means a person who holds a current instructor certification issued by the Idaho department of fish and game, the Idaho state police, the national rifle association or other nationally recognized organization, which certifies shooting instructors who are engaged, whether or not for compensation, in instructing, training or coaching a participant in sport shooting activities;

(5) "Sport shooting official" means a person who holds a current certification as a referee, match director, range officer, range master or other similar function issued by the national rifle association, United States practical shooting association, national range officers institute, USA shooting, international shooting sports federation or other nationally or internationally recognized organization which certifies match officials who are engaged in supervising sport shooting activities;

(6) "Sport shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery or any other similar sport shooting;

(7) "Sport shooting range operator" means an individual, group or club, partnership, limited liability company or corporation, whether or not operating for profit, which owns, operates or otherwise provides a range for sport shooting activities; and

(8) "Sport shooting sponsor" means an individual, group or club, partnership, limited liability company or corporation, whether or not operating for profit, which promotes or conducts sport shooting activities.

6-2702. LIMITATION OF LIABILITY ON SPORT SHOOTING ACTIVITIES. (1) Except as provided in subsection (2) or (3) of this section, a sport shooting range operator, sport shooting sponsor, sport shooting official or sport shooting instructor shall not be liable for any injury, including an injury causing death, to a participant engaged in sport shooting activities and, except as provided in subsection (2) or (3) of this section, no participant or participant's representative, may maintain an action against, or recover from, a sport shooting range operator, sport shooting sponsor, sport shooting official or sport shooting instructor for an injury to, or the death of, a participant engaged in sport shooting activities.

(2) Nothing in subsection (1) of this section shall prevent or limit the liability of a sport shooting range operator, sport shooting sponsor, sport shooting official or sport shooting range instructor:

(a) If the sport shooting range operator, sport shooting sponsor, sport shooting official or sport shooting instructor:

(i) Commits an act or omission that constitutes gross negligence or willful and wanton disregard for the safety of the participant and that act or omission caused the injury;

(ii) Intentionally injures the participant;

(iii) Fails to exercise ordinary care in the sport shooting range operator's, sport shooting sponsor's, sport shooting official's or sport shooting instructor's own use of a firearm, airgun or archery equipment; or

(iv) Provides firearms, airguns or archery equipment to a participant and fails to exercise ordinary care to determine that the provided firearms, airguns or archery equipment are in a safe operating condition.

(b) Under liability provisions as set forth in the products liability laws;

(c) Under the liability provisions set forth in chapter 9, title 6, Idaho Code; or

(d) Under the provisions of the Idaho worker's compensation law, section 72-101, Idaho Code, et seq.

(3) Nothing in subsection (1) of this section shall prevent or limit the liability of a sport shooting range operator if a participant sustains an injury because of a dangerous latent condition which was known or should have been known to the sport shooting range operator and for which warning signs had not been conspicuously posted.

(4) Nothing in this section shall be construed to enlarge or otherwise adversely affect the liability of any party. This section shall not be construed to impair any defense and any other immunity or bar to a civil lawsuit shall remain in effect.

SECTION 2. That Section 6-904B, Idaho Code, be, and the same is hereby amended to read as follows:

6-904B. EXCEPTIONS TO GOVERNMENTAL LIABILITY. A governmental entity and its employees while acting within the course and scope of their employment and without

malice or criminal intent and without gross negligence or reckless, willful and wanton conduct as defined in section 6-904C, Idaho Code, shall not be liable for any claim which:

1. Arises out of the detention of any goods or merchandise by any law enforcement officer.

2. Arises out of the cancellation or rescission, or the failure to cancel or rescind, any motor vehicle registration and license plates for failure of the owner to verify or maintain motor vehicle liability insurance coverage.

3. Arises out of the issuance, denial, suspension or revocation of, or failure or refusal to issue, deny, suspend, or revoke a permit, license, certificate, approval, order or similar authorization.

4. Arises out of the failure to make an inspection, or the making of an inadequate inspection of any property, real or personal, other than the property of the governmental entity performing the inspection.

5. Arises out of any act or omission providing or failing to provide medical care to a prisoner or person in the custody of any city, county or state jail, detention center or correctional facility.

6. Arises out of a decision of the state commission of pardons and parole or its executive director when carrying out the business of the commission.

7. Arises out of a decision, act or omission of a city, county, the Idaho board of correction or Idaho department of correction when carrying out duties and responsibilities as set forth in chapter 8, title 20, Idaho Code.

8. Arises out of the operation of a sport shooting range as defined in section 6-2701, Idaho Code.